

CHAPTER 9: PROGRAM DEVELOPMENT IN PUBLIC TWO-YEAR COLLEGES

SUBCHAPTER A. DEFINITIONS

Section

9.1. Definitions.

9.1. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Academic courses--Semester credit courses included or allowed under the provisions of the Lower-Division Academic Course Guide Manual designed for college transfer to institutions of higher education in completion of associate and baccalaureate degree programs.

(2) Associate degree program--A grouping of courses designed to lead the individual directly to employment in a specific career, or to transfer to an upper-level baccalaureate program. This specifically refers to the associate of arts, associate of science, associate of applied arts, associate of applied science, and the associate of occupational studies degrees. The term "applied" in an associate degree name indicates a program designed to qualify students for immediate employment.

(3) Board or Coordinating Board--The Texas Higher Education Coordinating Board.

(4) Certificate program--Workforce programs designed for entry-level employment or for upgrading skills and knowledge within an occupation. Certificate programs serve as building blocks and exit points for AAS degree programs.

(5) Commissioner of Higher Education or Commissioner--The chief executive officer of the Texas Higher Education Coordinating Board.

(6) Concurrent course credit--See "Dual credit."

(7) Continuing education unit or CEU--Ten (10) contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction, as outlined in the Guidelines for Instructional Programs in Workforce Education.

(8) Contractual agreements--Agreements or contracts between public two-year colleges and one of the following:

(A) a non-SACS/COC-accredited organization, for postsecondary instructional services that could not be offered otherwise;

(B) a public secondary school, for instructional services that could not be offered otherwise; or

(C) another SACS/COC-accredited institution of higher education, whether public or independent.

(9) Contract instruction--Postsecondary workforce education and training in which specific instruction is provided by a public two-year college or a non-SACS/COC-accredited organization to a contracting entity. This arrangement is utilized when conventional methodology or instructional systems are difficult or impossible to obtain.

(10) Developmental courses--Courses designed to correct academic deficiencies and bring students' skills to an appropriate level for entry into college.

(11) Distance education--Classes in which the majority of the instruction occurs when the student and instructor are not in the same physical setting. A class is considered a distance education class if students receive more than one-half of the instruction at a distance. Distance education can be delivered synchronously or asynchronously to any single or multiple location(s):

(A) other than the "main campus of a senior institution (or "on campus"), where the primary office of the chief executive officer of the campus is located;

(B) outside the boundaries of the taxing authority of a community college district; or

(C) via instructional telecommunications to any other distance location, including electronic delivery of all types.

(12) Dual credit--A process by which a high school student enrolls in a college course and receives simultaneous academic credit for the course from both the college and the high school. While dual credit courses are often taught on the secondary school campus to high school students only, Section 4.84 of this title (relating to Institutional Agreements) and Section 4.85 of this title (relating to Dual Credit Requirements), also apply when a high school student takes a course on the college campus and receives both high school and college credit. Dual credit is also referred to as concurrent course credit; the terms are equivalent. However, dual (or concurrent) enrollment refers to a circumstance in which a student is enrolled in more than one educational institution (including a high school and a college).

(13) Guidelines for Instructional Programs in Workforce Education (GIPWE)--A Coordinating Board approved publication containing policies and procedures related to the proposal and approval of workforce education courses and programs for Texas public institutions.

(14) Governing board--The body charged with policy direction of any public community college district, the technical college system, public state college, public senior college or university, career school or college, or other

educational agency including but not limited to boards of directors, boards of regents, boards of trustees, and independent school district boards.

(15) Governing board, tech-prep consortium--Consists at a minimum of representatives of each educational entity that participates in a Tech-Prep consortium which determines the policies and operations of the Tech-Prep consortium in accordance with its written by-laws and fiscal agency and personnel agreements. A representative may represent multiple entities as agreed upon by the participating consortium members.

(16) Guidelines for Instructional Programs in Workforce Education (GIPWE)--A Coordinating Board-approved publication containing policies and procedures related to the design, development, proposal, approval, operation, and evaluation of workforce education courses and programs for Texas public institutions of higher education and career schools and colleges.

(17) Independent institution of higher education--A private or independent college or university that is:

- (A) organized under the Texas Non-Profit Corporation Act;
- (B) exempt from taxation under Article V, Section 2, of the Texas Constitution and §501(c)(3) of the Internal Revenue Code; and
- (C) accredited by the Southern Association of Colleges and Schools Commission on Colleges.

(18) Lower-Division Academic Course Guide Manual (ACGM)--A Coordinating Board-approved publication listing academic courses that public two-year colleges can teach and report for contact hour reimbursement from state appropriations without special approval from the Board.

(19) Public community college--Any public junior college or public community college as defined in Texas Education Code, Sections 61.003 and 130.005, and whose role, mission, and purpose is outlined in Texas Education Code, Sections 130.0011 and 130.003.

(20) Public two-year college--Any public junior college, public community college, public technical college, or public state college as defined in Texas Education Code, Section 61.003.

(21) Related-instruction--Relates to Section 9.27 of this title (relating to Related-Instruction for Apprenticeship Programs), organized off-the-job classroom instruction in theoretical or technical subjects required for the completion of an apprenticeship program.

(22) Remedial and compensatory--All courses designated as developmental or remedial in the Lower-Division Academic Course Guide Manual. These courses are designed to address academic deficiencies and may not be offered for college degree credit.

(23) Remedial courses--Courses for high school students designed to correct academic deficiencies and bring students' skills to an appropriate level for graduation from high school.

(24) SACS/COC--The Southern Association of Colleges and Schools Commission on Colleges.

(25) Technical courses or programs--Workforce education courses or programs for which semester/quarter credit hours are awarded.

(26) Tech-Prep consortium--A collaboration of educational entities and, at local option, employer and labor organizations, and universities defined under the Carl D. Perkins Vocational and Technical Education Act, as amended, and the Texas Education Code, Chapter 61, Subchapter T, Tech-Prep Education (hereinafter referred to as "the Code"), which work together to implement a Tech-Prep program.

(27) Unique need academic course--An academic course created by a college to satisfy a unique need and designed to transfer into a baccalaureate program.

(28) Vocational courses or programs--Workforce education courses or programs for which continuing education units (CEUs) are awarded.

(29) Workforce continuing education course--A course offered for continuing education units (CEUs) with an occupationally specific objective and supported by state funding. A workforce continuing education course differs from a community service course offered for recreational or avocational purposes and is not supported by state funding.

(30) Workforce education--Technical courses and programs for which semester/quarter credit hours are awarded, and vocational courses and programs for which continuing education units are awarded. Workforce education courses and programs prepare students for immediate employment or job upgrade within specific occupational categories.

(31) Workforce Education Course Manual (WECM)--An online database composed of the Coordinating Board's official statewide inventory of workforce education courses available for two-year public colleges to use in certificate and associate degree programs.

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SUBCHAPTER B. GENERAL PROVISIONS

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- 9.21. Purpose.
- 9.22. Authority.
- 9.23. Student Performance.
- 9.24. Religious Holy Days.
- 9.25. Training for Governing Boards.
- 9.26. Driver Education Courses.
- 9.27. Related-Instruction for Apprenticeship Programs.
- 9.28. Appropriations.
- 9.29. Certification.
- 9.30. Name Change.
- 9.31. Uniform Dates for Adding/Dropping Courses Pertaining to Refunds.

9.21. Purpose.

This subchapter outlines the rules and regulations the Coordinating Board shall use in various areas relating to program development and the general operation of a public two-year college.

9.22. Authority.

The Texas Education Code, Sections 51.308, 51.403(e), 51.911, 61.051, 61.053, 61.059, 61.060-61.063, 61.084, 130.001(b)(3)-(4), 130.003, 130.005, 130.0051, 130.008, and 130.009, authorize the Coordinating Board to adopt policies, enact regulations, and establish rules for various functions relating to program development and the general operation of a public two-year college.

9.23. Student Performance.

(a) Each public two-year college shall report student performance as prescribed under subsection (b) of this section to the high school or public two-year college last attended during the first year a student is enrolled after graduation from high school.

(b) A student performance report includes initial assessment student test scores, as prescribed under Chapter 4, Subchapter C of this title (relating to Texas Success Initiative), descriptions of developmental education courses required, and individual student grade point averages.

(c) Appropriate safeguards shall be implemented to ensure student privacy in these reports.

9.24. Religious Holy Days.

Policies regarding religious holy day observances at public two-year colleges are subject to Chapter 4, Subchapter A, Section 4.4 of this title (relating to Student Absences on Religious Holy Days). This section provides particular requirements for determining acceptable student attendance policies relating to religious holy days.

9.25. Training for Governing Boards.

Chapter 1, Subchapter A, Section 1.9 of this title (relating to Training for Members of Governing Boards and Board Trustees) is herein applicable to public two-year colleges. This section provides for the training of members of governing boards and trustees for public institutions of higher education; however, members of community college governing boards may not be required to attend a training session.

9.26. Driver Education Courses.

Institutions of higher education shall be permitted to offer driver education courses for the purpose of preparing students to obtain a Texas driver's license if approved by the State Board of Education. Institutions of higher education shall be subject to the rules and regulations regarding driver education of the State Board of Education.

9.27. Related-Instruction for Apprenticeship Programs.

Related-instruction in apprenticeship programs approved by the Bureau of Apprenticeship and Training are eligible for state appropriations. Funding for all other components of apprenticeship programs is subject to the rules and regulations of the Texas Workforce Commission as prescribed under the Texas Education Code, Chapter 133.

9.28. Appropriations.

To be eligible to receive its proportionate share of the biennial appropriations for support, maintenance, operation, and improvement, each public community college must:

- (1) be certified as a public community college as prescribed by Section 9.29 of this title (relating to Certification);
- (2) offer a minimum of 24 semester credit hours of workforce education courses;
- (3) have complied with all existing laws, rules, and regulations governing the establishment and maintenance of public community colleges;
- (4) collect, from each full-time and part-time student enrolled, appropriate matriculation and other fees as required by law;

(5) grant, when properly applied for, the scholarships and tuition exemptions provided for in the Texas Education Code; and

(6) levy and collect ad valorem taxes as provided by law for the operation and maintenance of the institution.

9.29. Certification.

The Commissioner shall file with the State Auditor and the State Comptroller on or before October 1 of each year a list of the public community colleges in the state and certify the names of those colleges that have complied with the standards, rules, and regulations prescribed by the Board.

9.30. Name Change.

(a) The governing board of any public community or junior college district may by a duly adopted resolution change the name of the district by substituting the word "community" for the word "junior" in the name, or by eliminating the word "community" or "junior" from the name of the district, unless the change would cause the district to have the same name as an existing district.

(b) A copy of the resolution duly certified by the secretary of the governing board must be filed with the Board.

(c) The name change shall become effective upon the filing of the resolution with the Board and thereafter all references to the district shall be by use of the new name.

9.31. Uniform Dates for Adding/Dropping Courses Pertaining to Refunds.

(a) Courses at public community colleges may be added by students up to and including the official census date. A student may not enroll in a course after that date.

(b) Courses at public community colleges may be dropped and a student entitled to a refund of tuition and fees as outlined under Chapter 21, Subchapter A, Section 21.5 of this title (relating to Refund of Tuition and Fees at Public Community/Junior and Technical Colleges).

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SUBCHAPTER C. PURPOSE, ROLE, AND MISSION

Section

- 9.51. Purpose.
- 9.52. Authority.
- 9.53. Role, Mission, and Purpose of Public Two-year Colleges.
- 9.54. Publication of Purpose, Role, and Mission Statements.
- 9.55. Board Review of Purpose, Role, and Mission Statements.

9.51. Purpose.

This subchapter provides rules and regulations for public two-year colleges in establishing and publishing their purpose, role, and mission statements, and for the Board's review of these statements.

9.52. Authority.

The Texas Education Code, Sections 61.051, 61.053, 61.0511, 61.060, 61.061, 61.062, 130.001, 130.003(e), 130.0011, and 135.01, authorize the Coordinating Board to adopt policies, enact regulations, and establish rules for the review of the purpose and role and mission statements of public two-year colleges.

9.53. Role, Mission, and Purpose of Public Two-Year Colleges.

(a) Each public two-year college must develop a statement regarding the purpose, role, and mission of the institution reflecting the three missions of higher education: teaching, research, and public service. The specialized nature of the role and mission of the technical college system is included in Chapter 11 of this title (relating to the Texas State Technical College System).

(b) Each public community college shall include in its role and mission statement the purpose of the community college as prescribed under Texas Education Code, Section 130.003(e), that it shall primarily serve its local taxing district and service area, offering vocational, technical, and academic courses for certificates or associate degrees. Continuing education, remedial and compensatory education consistent with open admission policies, and a program of counseling and guidance shall also be provided.

9.54. Publication of Purpose, Role, and Mission Statements.

Each public two-year college must publish its purpose, role, and mission statement in its official publication for students, generally the college catalog.

9.55. Board Review of Purpose, Role, and Mission Statements.

As a part of the institutional effectiveness review process prescribed in Chapter 10 of this title (relating to Institutional Effectiveness in Public Two-Year Colleges), the Board staff shall determine if the purpose, role, and mission statement of each institution addresses the specific functions as prescribed by the Texas Education Code, Sections 61.0511, 130.003(e), 130.0011, and 135.01, for public two-year colleges.

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SUBCHAPTER D. TRANSFERABLE ACADEMIC COURSES

Section

- 9.71. Purpose.
- 9.72. Authority.
- 9.73. General Provisions.
- 9.74. Unique Need Courses.
- 9.75. Compensatory (Including Developmental and Remedial) Education Courses.
- 9.76. Utilization of Compensatory (Including Developmental and Remedial) Education Courses to Satisfy Degree Requirements.
- 9.77. Notification to Students of Possible Lower-Division Transfer Limitations.
- 9.78. Reserved.
- 9.79. Reserved.
- 9.80. Disapproval of Courses; Noncompliance.

9.71. Purpose.

This subchapter provides rules and procedures for the approval and continuation of academic courses for public two-year colleges eligible for state appropriations.

9.72. Authority.

The Texas Education Code, Sections 61.051(g), 61.053, 61.054, 61.060, 61.061, 61.062, 130.001(b)(3)-(4), and 130.003(e)(3), authorize the Coordinating Board to adopt policies, enact regulations, and establish rules for the coordination of transferable academic courses eligible for state appropriations.

9.73. General Provisions

(a) State funding shall be provided for lower-division level general academic courses in public community colleges and other appropriate public institutions offering lower-division general academic courses if such courses:

(1) are listed in the Lower-Division Academic Course Guide Manual ;
or

(2) have been reviewed by the Board staff and have been approved in accordance with the unique need provision; and

(3) are consistent with the Texas Common Course Numbering System.

(b) A standing advisory committee composed of representatives from public community colleges and other appropriate public institutions offering lower-division general academic courses will meet at least annually to recommend to the Coordinating Board staff appropriate courses to be added to, revised, or deleted from the Lower-

Division Academic Course Guide Manual, as well as their proper assignment of Texas Common Course Numbers. The Coordinating Board staff shall provide the committee data regarding course enrollments and transferability for the purpose of considering revisions to the Lower-Division Academic Course Guide Manual.

(c) Criteria used to revise the Lower-Division Academic Course Guide Manual shall include the following:

(1) Courses offered by three or fewer community colleges and other appropriate institutions offering lower-division general academic courses during the previous academic year will be reviewed by the committee for deletion unless other factors indicate a need to retain such courses.

(2) Unique need courses which have been offered at several public community colleges and other appropriate institutions offering lower-division general academic courses in different geographic regions of the state may be recommended for addition to the Lower-Division Academic Course Guide Manual upon request of a sponsoring institution.

(3) Revisions in course content may be considered upon request of a sponsoring institution.

(4) Courses included in the lower-division portion of an academic core curriculum at any public institution of higher education may be considered by the committee for inclusion in the Lower-Division Academic Course Guide Manual.

(5) Courses in a Board-approved field of study curriculum as outlined under Section 4.32 of Board rules (relating to Field of Study Curricula) shall automatically be added to the Lower-Division Academic Course Guide Manual.

9.74. Unique Need Courses.

(a) An academic course may be approved for unique need if it meets the following criteria:

(1) The course must have college-level rigor. A course designed to meet a community service, leisure, vocational, or avocational need is inappropriate for unique need approval and state appropriations.

(2) The course must be acceptable for transfer and apply toward a baccalaureate degree. In order to satisfy this requirement, the course must meet at least one of the following requirements:

(A) The course has a documented course equivalent at a minimum of two Texas and/or regional universities; or

(B) The course will be accepted in satisfaction of either general education or degree program ~~major~~ requirements at a minimum of two regional universities.

(3) Exceptions may be granted for courses that transfer to a single regional university if the college documents that a large number of its students transfer to that institution and the course is part of a current, documented articulation agreement between the two-year college and the regional university.

(b) Procedures for unique need approval.

(1) The application for each unique need course submitted must be accompanied by a statement of need for the course and a syllabus which includes a course description, detailed course outline, and objectives. Except as specified in subsection (a)(3) of this section, the application must be accompanied by letters from regional universities that clearly indicate the basis for transferability of the course (as a course equivalent, general education course, or academic major course).

(2) Once approved, a unique need course shall be placed on the college inventory for three years. Colleges must reapply for approval of unique need courses every three years.

(c) Courses listed in the Lower-Division Academic Course Guide Manual but offered for a greater number of contact hours or semester credit hours than specified must be submitted for unique need approval.

(d) Courses approved as continuing unique need courses prior to September 1, 2004 shall expire five years from the date of approval.

9.75. Compensatory (Including Developmental and Remedial) Education Courses.

Developmental/remedial courses approved for two-year college instruction and eligible for state funding are listed in the Lower-Division Academic Course Guide Manual and the Workforce Education Course Manual. Such courses should be used to support both academic and workforce education programs as appropriate.

9.76. Utilization of Compensatory (Including Developmental and Remedial) Education Courses to Satisfy Degree Requirements.

Courses designated as compensatory in the Lower-Division Academic Course Guide Manual may not be used to satisfy degree requirements. Such courses may be used as corequisites or prerequisites for degree courses as determined by local institutions.

9.77. Notification to Students of Possible Lower-Division Transfer Limitations.

(a) Two-year public colleges shall notify students who intend to transfer to baccalaureate degree programs of possible limitations on lower-division course work that may be applied toward a baccalaureate degree program at a general academic teaching institution.

(b) Notification to students must occur no later than the semester or term during which the student is expected to accumulate the 39th semester credit hour of academic course work.

(c) The notification shall include Section 4.25(f) of this title (relating to Requirements and Limitations) and may include additional transfer information that will help students make informed decisions about coursework.

(d) Colleges may notify students either through the mail or through electronic means targeted directly at affected students such as electronic mail, pop-up notices on an electronic registration or advising page, or information included in the student's grade report.

(e) Listing the information on lower-division transfer limits in the institution's catalog, while strongly recommended, is not sufficient to satisfy the requirements of this section.

(f) Each college shall develop a plan to implement this section no later than January 1, 2005 and shall begin notifying affected students no later than September 1, 2005.

9.78. Reserved.

9.79. Reserved.

9.80. Disapproval of Courses; Noncompliance.

No funds appropriated to any public two-year college may be expended for any unique need course which has not been approved by the Board staff.

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SUBCHAPTER E. CERTIFICATE AND ASSOCIATE DEGREE PROGRAMS

Section

- 9.91. Purpose.
- 9.92. Authority.
- 9.93. Application, Approval, and Revision Procedures for Instructional Programs in Workforce Education.
- 9.94. Action and Order of the Board.
- 9.95. Reporting to the Board.
- 9.96. Disapproval of Programs; Noncompliance.

9.91. Purpose.

This subchapter provides rules and procedures for the approval and continuation of certificate and associate degree programs in public two-year colleges eligible for state appropriations.

9.92. Authority.

The Texas Education Code, Section 61.003, 61.051(e)(f), 61.0513, 61.053, 61.054, 61.055, 61.061, 61.062(c)-(d), 61.075, 130.001(b)(3)-(4), 130.003(e)(1)(2)(3) and (7) and 135.04, authorize the Coordinating Board to adopt policies, enact regulations, and establish rules for the coordination of postsecondary technical and vocational certificate and associate degree programs eligible for state appropriations.

9.93. Application, Approval, and Revision Procedures for Instructional Programs in Workforce Education.

(a) In accordance with the Guidelines for Instructional Programs in Workforce Education as approved by the Board, each institution wishing to offer a new certificate or applied associate degree program must have completed the following procedures:

(1) Completion of the Application for the Approval of a New Technical or Continuing Education Program. Completed application forms and a statement of assurances must be approved by the governing board and the chief executive officer of the institution, and forwarded to the Board's Community and Technical Colleges Division. The statement of assurances must certify that the following criteria have been met:

- (A) The institution has documented local and/or regional workforce demand for the program.
- (B) Basic and workforce skills have been integrated into the curriculum.
- (C) The institution has an enrollment management plan for the program.

(D) The institution has or will initiate a process to establish articulation agreements for the program with secondary and/or senior level institutions.

(E) The program is designed to be consistent with the standards of the Commission on Colleges of the Southern Association of Colleges and Schools, and with the standards of other applicable accrediting agencies, and is in compliance with appropriate licensing authority requirements.

(F) The program would not unnecessarily duplicate existing programs at other institutions.

(G) Representatives from private sector business and industry have been involved in the creation of the program through participation in an advisory committee.

(H) Adequate funding is available to cover all new costs to the institution over the first five years after the implementation of the program.

(I) The institution has an improvement plan in place for all workforce programs that do not currently meet Board standards for both graduation and placement.

(J) The appropriate Higher Education Regional Council has been notified in writing of the proposal for a new program.

(K) Skill standards recognized by the Texas Skill Standards Board, if they exist for this discipline, have been reviewed and considered for inclusion in the curriculum for the program.

(2) Completion of Staff Review Process. The Board staff shall review the application for satisfactory fulfillment of the new program requirements and procedures as outlined in the Board-approved Guidelines for Instructional Programs in Workforce Education. The staff shall confer with the institution when additional information or clarification is needed.

(3) Completion of Formal Program Review. Once the program requirements have been met, the Board staff may schedule the program for formal program review. This review process shall include representatives from the institution, the Board staff, and other appropriate agencies and institutions of higher education.

(4) The Assistant Commissioner for the Community and Technical Colleges Division shall recommend certificate and applied associate degree programs to the Commissioner for approval or disapproval or referral to the Board.

(5) New Program Approval. The Board delegates to the Commissioner final approval authority for all certificate programs, and for applied associate degree programs that meet Board policies for approval as outlined in the Guidelines for Instructional Programs in Workforce Education.

(6) Each quarter, the Commissioner shall send a list of his approvals and disapprovals under this section to Board members. A list of the approvals and disapprovals shall also be attached to the minutes of the next appropriate quarterly meeting.

(7) The Commissioner must forward a program to the Board for consideration at an appropriate quarterly meeting if either of the following conditions is met:

(A) The proposed program is the subject of an unresolved grievance or dispute between institutions.

(B) The Commissioner has disapproved of the proposed program and the institution has requested a Board review.

(b) Each institution wishing to revise an existing certificate or applied associate degree program must complete the procedures as outlined in the Board-approved Guidelines for Instructional Programs in Workforce Education.

(c) Administrative Officers. All programs must be under the direction of an administrator having appropriate authority to ensure that quality is maintained and that programs are conducted in compliance with all applicable laws and rules. Administrative officers must possess credentials, work experience, and/or demonstrated competence appropriate to their areas of responsibility as specified by the Southern Association of Colleges and Schools Commission on Colleges.

(d) Faculty and Staff. Faculty and staff must be approved by the postsecondary institution. Each individual must meet the minimum qualifications established by the Board.

(e) Each public two-year college may classify workforce continuing education and other courses as earning semester credit hours or continuing education units (CEUs). Contact hours reported for workforce education courses which result in either credit hours or CEUs shall be eligible for state appropriations. A course or program that meets or exceeds 360 hours in length must be approved as a technical certificate program except by special justification and approval by Board staff. A course or program that meets or exceeds 780 hours in length must result in the award of appropriate semester credit hours and be applicable to a certificate and an applied associate degree program.

9.94. Action and Order of the Board.

(a) Board action on the request for approval of a new applied associate degree program in a postsecondary institution that requires Board consideration shall be taken at the next quarterly Board meeting.

(b) A resolution shall be entered in the minutes of the Board and conveyed in writing by the Commissioner to the governing board or the chief executive officer of the postsecondary institution.

9.95. Reporting to the Board.

(a) Contact hours for courses in approved workforce education certificate and applied associate degree programs from public two-year colleges and other public institutions providing certificate or associate degree programs must be determined and

reported in compliance with Board rules and policy as outlined in the Workforce Education Course Manual and state law.

(b) Contact hours for courses in approved academic certificate and associate degree programs at public two-year colleges and other public institutions providing certificate or associate degree programs must be determined and reported in compliance with Board policy as outlined in the Lower-Division Academic Course Guide Manual and state law.

9.96. Disapproval of Programs; Noncompliance.

No funds appropriated to any public two-year college or other institution providing certificate or associate degree programs shall be expended for any program which has not been approved by the Commissioner or, when applicable, by the Board.

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SUBCHAPTER F. WORKFORCE CONTINUING EDUCATION COURSES

Section

- 9.111. Purpose.
- 9.112. Authority.
- 9.113. General Provisions.
- 9.114. Application and Approval Procedures for Workforce Continuing Education Courses.
- 9.115. Funding.
- 9.116. Reporting to the Board.
- 9.117. Disapproval of Courses; Noncompliance.

9.111. Purpose.

This subchapter provides rules and procedures for the review and approval of workforce continuing education courses as taught by public two-year-colleges.

9.112. Authority.

The Texas Education Code, Sections 54.051(n), 54.545, 61.051(j), 61.053, 61.054, 61.060, 61.061, 61.062, 130.001(b)(3)-(4), 130.003(e)(4), and 130.006, authorize the Coordinating Board to adopt policies, enact regulations, and establish rules for public two-year colleges for the coordination of workforce continuing education courses eligible for state appropriations.

9.113. General Provisions.

(a) Tuition and fees for state-funded workforce continuing education courses shall be assessed according to policies established by the Board. The governing board of the institution shall establish tuition and fees for workforce continuing education courses not eligible for state appropriations.

(b) Any workforce continuing education program meeting or exceeding 360 contact hours shall be subject to all of the requirements for workforce education programs for state appropriations as outlined in Chapter 9, Subchapter E of this title (relating to Certificate and Associate Degree Programs).

(c) Any workforce continuing education program meeting or exceeding 780 contact hours in length must result in the award of semester or quarter credit hours and be applicable to a certificate and an applied associate degree program. An exception shall be made for Emergency Medical/Paramedic continuing education programs, which may reach 800 contact hours.

9.114. Application and Approval Procedures for Workforce Continuing Education Courses.

(a) Any workforce continuing education course listed in the Workforce Education Course Manual (WECM) may be offered by any public two-year college without prior approval by the Board. Courses in the current WECM are valid until revised or deleted by subsequent updates of the WECM.

(b) All workforce continuing education courses shall meet the guidelines outlined in the Guidelines for Instructional Programs in Workforce Education as approved by the Board and the Workforce Education Course Manual.

9.115. Funding.

(a) Contact hours reported for workforce education courses, which result in continuing education units (CEUs) shall be eligible for state appropriations.

(b) Workforce continuing education courses with fewer than seven (7) contact hours of instruction will not receive state funding unless the specific type and length of instruction are required by local, state, or national licensing, certifying, regulatory, or accrediting agencies.

(c) Community interest courses shall not be eligible for state appropriations.

(d) Workforce Education Course Manual continuing education special topics courses that are not designed to prepare adult students for employment shall not be eligible for state appropriations.

9.116. Reporting to the Board.

Contact hours for workforce continuing education courses from public two-year colleges must be determined and reported in compliance with Board policy as outlined in the Guidelines for Instructional Programs in Workforce Education as approved by the Board, the Workforce Education Course Manual, and state law.

9.117. Disapproval of Courses; Noncompliance.

No funds appropriated to any public two-year college may be expended for any workforce continuing education course which has not been approved by the Board staff.

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SUBCHAPTER G. CONTRACTUAL AGREEMENTS

Section

- 9.121. Purpose.
- 9.122. Authority.
- 9.123. General Provisions.
- 9.124. Contractual Agreements for Instruction with Non-SACS/COC-Accredited Organizations Other than Public Secondary Schools.
- 9.125. Contractual Agreements for Instruction with Public Secondary Schools.
- 9.126. Contractual Agreements for Instruction with Other SACS/COC-Accredited Institutions of Higher Education.
- 9.127. Reporting to the Board.
- 9.128. Disapproval of Courses; Noncompliance.

9.121. Purpose.

This subchapter shall provide rules and regulations to enable public two-year colleges to enter into contractual agreements with other institutions of higher education or non-SACS/COC-accredited organizations (which include but are not limited to public secondary schools and business and industry) to improve the articulation, quality, and efficiency of educational programs and services.

9.122. Authority.

The Texas Education Code, Subchapter N of Chapter 51, and Sections 51.923, 61.051(o), 61.053, 61.054, 61.055, 61.060, 61.061, 61.062, 61.064, 61.067, 130.001(b)(3)-(4), 130.006, 130.008, and 130.090, authorize the Coordinating Board to adopt policies, enact regulations, and establish rules for the public two-year colleges to enter into agreements with other entities to provide for appropriate educational services.

9.123. General Provisions.

(a) General enrollment or contract training courses that are non-credit and do not result in the award of CEUs are not eligible for any state apportionment funding, but a two-year college is free to market such non-credit or non-CEU training to business, industry, and government at whatever rate can be negotiated with the contracting organization. Exceptions regarding programs serving incarcerated students must be submitted to the Coordinating Board staff for review and approval.

(b) Courses earning CEUs shall be subject to the guidelines published by the Southern Association of Colleges and Schools Commission on Colleges as a condition of eligibility for state appropriations.

(c) All student enrollments for semester hour credit are subject to the provisions of the Texas Success Initiative as applicable.

(d) Public two-year colleges providing courses to organizations for which semester hour credits or CEUs are earned must charge out-of-state tuition to non-resident students who are brought from out of state for such contract courses.

9.124. Contractual Agreements for Instruction with Non-SACS/COC-Accredited Organizations Other than Public Secondary Schools.

(a) General Policy Guidelines.

(1) Contractual agreements for instruction by public two-year colleges with non-SACS/COC accredited organizations must comply with all current guidelines of the Southern Association of Colleges and Schools Commission on Colleges.

(2) Courses and programs offered under contractual agreements must be consistent with the educational purpose, mission, and goals of the institution.

(3) Courses and programs offered and eligible for state appropriations must remain under the sole and direct control of the sponsoring public two-year college.

(b) Regulations.

(1) Board Approval.

(A) All programs and courses must be approved through the established procedures of the Board.

(B) Requirements. Courses offered must remain under the sole and direct control of the sponsoring public two-year college which exercises ultimate and continuing responsibility for the performance of the functions reflected in the contract. Instructors of courses must meet qualifications as stipulated by the public two-year college. The public two-year college must employ at least one full-time faculty member per degree program and specify in the contract the institutional procedures by which the contracted courses or programs meet the standards of regular programs as disclosed fully in the publications of the institution, specifically including the following:

- (i) recruitment and counseling of students;
 - (ii) admission of students to courses and/or to the sponsoring institution where certificate and associate degree programs are pursued;
 - (iii) development and evaluation of the curriculum;
 - (iv) evaluation of student progress;
 - (v) record keeping;
 - (vi) tuition and/or fee charges, receipts and disbursement of funds, and refund policy;
 - (vii) appointment, supervision, and evaluation of faculty;
- and

(viii) instruction and learning resources.

(2) The Contractual Agreement.

(A) The contractual agreement must be executed by designated officers of the public two-year college and their counterparts in the contracting organization.

(B) The contractual agreement shall establish a definite understanding between the public two-year college and the contracting agency to include each of the items required by this subsection.

(C) The agreement shall specify the work to be performed, the period of the agreement, and the conditions under which any renewal or renegotiation must occur.

9.125. Contractual Agreements for Instruction with Public Secondary Schools.

(a) General Policy Guidelines.

(1) Public two-year colleges may contract to provide instruction for public secondary schools.

(2) Provision of instruction for public secondary schools by public two-year colleges must be in accordance with rules and guidelines established by the State Board of Education.

(3) Instruction provided under a contractual agreement under this section may include only coursework necessary for students to complete high school. It does not apply to early admission programs for high school students entering college.

(b) Regulations.

(1) Instructors in contract programs with public secondary schools must meet qualifications required by the public two-year college as well as the minimum guidelines approved by the State Board of Education.

(2) An agreement between the public two-year college and the public secondary school must be approved by both governing boards.

(3) Funding for this type of instruction must flow to the public secondary school as the contracting agency. An agreed cost for instruction must be negotiated between the public two-year college and the public secondary school.

9.126. Contractual Agreements for Instruction with Other SACS/COC-Accredited Institutions of Higher Education.

(a) Public two-year colleges may enter into cooperative undertakings or contractual agreements with other Texas' public two-year colleges as permitted by state law.

(b) Public two-year colleges may enter into cooperative undertakings or contractual agreements with other Texas public institutions of higher education as part of a multi-institution teaching center as outlined under Chapter 5, Subchapter D, Section 5.78 of this title (relating to Supply/Demand Pathway or other partnership agreements on a shared-cost basis as permitted by state law.

(c) Public two-year colleges may enter into cooperative undertakings or contractual agreements with SACS/COC-accredited independent institutions of higher education as part of a multi-institution teaching center as outlined under Chapter 5, Subchapter D, Section 5.78 of this title (relating to Supply/Demand Pathway or other partnership agreements on a shared-cost basis as permitted by state law.

9.127. Reporting to the Board.

Contact hours for contract instruction eligible for state appropriations must be determined and reported in compliance with state law and Board rules and policy.

9.128. Disapproval of Courses; Noncompliance.

No funds appropriated to any public two-year college may be expended for any course which has not been approved by the Commissioner, even if such course is taught under a contractual agreement.

CHAPTER 9: PROGRAM DEVELOPMENT IN PUBLIC TWO-YEAR] COLLEGES

SUBCHAPTER H. PARTNERSHIPS BETWEEN SECONDARY SCHOOLS AND PUBLIC TWO-YEAR COLLEGES

Section

9.141. Purpose.

9.142. Authority.

9.143. Types of Partnerships.

9.144. Partnership Agreements.

9.146. Remedial and Developmental Instruction for High School Students.

9.147. Tech-Prep Education.

9.141. Purpose.

(a) The Coordinating Board encourages and supports partnerships between secondary schools and public two-year colleges including such initiatives as Tech-Prep and dual credit which allow secondary students to receive both high school and college-level credit for college-level courses.

(b) The purpose of this subchapter shall be to provide rules and regulations for partnership initiatives with secondary schools that are unique to public two-year colleges Rules for partnerships that concern dual credit may be found in Chapter 4, Subchapter D of this title (relating to Dual Credit Partnerships Between Secondary Schools and Texas Public Colleges).

9.142. Authority.

Texas Education Code, Sections 29.182, 29.184, 61.076(a), 61.851 through 61.855, 130.001(b)(3)-(4), 130.008, 130.090, and 135.06(d), authorize the Coordinating Board to adopt policies, enact regulations, and establish rules for public two-year colleges to enter into agreements with secondary schools to offer courses which grant credit toward the student's high school academic requirements and/or college-level credit. In addition, the Carl D. Perkins Vocational and Applied Technology Education Act (hereinafter known as "the Act"), as amended, authorizes the State Board of Education in its capacity as the State Board for Career and Technology Education to designate the Coordinating Board as the administering agency of the Tech-Prep Education Act, or that section, part, or title of the Act referring to Tech-Prep Education.

9.143. Types of Partnerships.

(a) Partnerships for Award of High School Credit Only. Contractual agreements between public school districts and public two-year colleges in which the latter provide instruction in courses to high school students for award of high school credit only. Rules for these agreements are located in Subchapter G, Section 9.125 of this title (relating to Contractual Agreements for Instruction with Public Secondary Schools).

(b) Partnerships for Award of Dual Credit. Partnerships between secondary schools and public two-year colleges in which the latter provide instruction to high school students for immediate award of both high school credit and college certificate and associate degree credit. Rules covering these partnerships may be found in Chapter 4, Subchapter D of this title (relating to Dual Credit Partnerships Between Secondary Schools and Texas Public Colleges).

(c) Partnerships for Tech-Prep Programs. Partnerships between public school districts and public two-year colleges to allow for the articulation of high school technical courses taught by the high school to high school students for immediate high school credit and later college credit, to be awarded upon enrollment of the students in a two-year college in an associate degree or certificate program.

(d) Partnerships for Remedial or Developmental Instruction for High School Graduates. Partnerships between public school districts and public two-year colleges to provide instruction by the latter to high school students for either remedial course work to prepare students to pass the exit-level Texas Assessment of Knowledge and Skills (TAKS) test or developmental course work to prepare the students to pass an assessment instrument approved by the Board under Section 4.56 of this title (relating to Assessment Instruments).

9.144. Partnership Agreements.

(a) Need For Partnership Agreement. For any instructional partnership between a secondary school and a public two-year college, an agreement must be approved by the governing boards or designated authorities of both the public school district or private secondary school and the public two-year college.

(b) Elements of Partnership Agreements. Any partnership agreement as described in Section 9.143 of this title (relating to Types of Partnerships) must address the following elements:

- (1) student eligibility requirements;
- (2) faculty qualifications;
- (3) location and student composition of classes;
- (4) provision of student learning and support services;
- (5) eligible courses;
- (6) grading criteria;
- (7) transcribing of credit; and
- (8) funding provisions.

9.145. Reserved.

9.146. Remedial and Developmental Instruction for High School Students.

(a) As outlined under Chapter 9, Subchapter G, Section 9.125 of this title (relating to Contractual Agreements for Instruction with Public Secondary Schools) two-year colleges may contract with public secondary school districts to provide remedial courses for students enrolled in public secondary schools in preparation for graduation from high school. Such courses are not eligible for state appropriations.

(b) High school students who have passed all sections of the exit-level TAKS test with the high school graduation standard may be permitted to enroll in state-funded developmental courses offered by a college at the college's discretion if a need for such course work is indicated by student performance on an assessment instrument approved by the Board under Section 4.56 of this title (relating to Assessment Instruments).

(c) Remedial and developmental courses may not be offered for dual credit.

(d) Only a public community college may waive tuition and fees for a Texas public high school student enrolled in a remedial course or a developmental course. Public technical colleges and state colleges may not waive tuition and fees.

9.147. Tech-Prep Education.

(a) General Provisions.

(1) The State Board of Education, in its capacity as the Board for Career and Technology Education, is the eligible agency responsible for implementation and evaluation of all programs funded in Texas under the Act, as amended, until such time as the Act amends the provision defining the eligible agency.

(2) The State Board of Education, in its capacity as the eligible agency, has designated the Texas Higher Education Coordinating Board as the administering agency responsible for the operation and supervision of that section, part, or title of the Act referring to Tech-Prep Education.

(b) State Administration of Tech-Prep.

(1) The Board shall annually award Tech-Prep funds to eligible consortia in accordance with the Act, as amended, and the Code.

(2) Notwithstanding provisions of the Act and the Code, annual awards to eligible consortia shall be based upon a formula which shall be adopted by the Board after a public hearing.

(3) To be eligible for an award, a consortium shall submit an application and all supporting documentation on an annual basis and in a manner and time frame determined by Board staff that documents and ensures the progress of local consortium activities addressing the requirements of the Act and the Code and enables the state to meet state goals, objectives, and

performance criteria, and to meet federal evaluation criteria as designated in the Consolidated State Plan.

(4) Board staff shall assist local consortia with the evaluation of local activities and provide technical assistance to consortia that do not meet evaluation criteria standards or upon request by the consortia.

(5) Board staff shall provide oversight of all Tech-Prep activities to ensure that funds provided by the Act for Tech-Prep education are expended according to provisions of the Act, and the Code.

(c) Consortium Responsibilities.

(1) Each consortium shall create, evaluate, and maintain a long-term strategic plan that addresses goals, objectives, activities, and evaluation criteria supporting local, state, and federal goals and evaluation criteria.

(2) Each consortium shall develop and implement local activities and coordinate the expenditure of funds in accordance with guidelines determined by the Act and the Code, as well as state and local goals and objectives.

(3) Each consortium shall maintain the records on local activities and budgetary expenditures to support evaluation criteria and participate in a scheduled, systematic, evaluation program.

(4) Each consortium shall provide reports on activities, activity outcomes, and budgetary expenditures in a manner and time as established by Board staff.

(5) Each consortium shall ensure that every local school district and public college and university in the consortium service area will have the opportunity to develop Tech-Prep programs of study as defined by the Act and the Code.

CHAPTER 9: PROGRAM DEVELOPMENT IN PUBLIC TWO-YEAR COLLEGES

SUBCHAPTER I. DISTANCE EDUCATION

Section

9.161. Purpose.

9.162. Authority.

9.163. Courses and Programs Offered through Distance Education.

9.161. Purpose.

This subchapter provides rules and regulations for public community colleges for the delivery of courses and programs via instructional telecommunications or to locations out of district, out of state, and out of country.

9.162. Authority.

The Texas Education Code, Sections 61.051(j), 61.053, 61.054, 61.060, 61.061, 61.062, 130.001(b)(3)-(4), and 130.086(d), authorize the Coordinating Board to adopt policies, enact regulations, and establish rules for public community colleges for the delivery of courses and programs out of district, out of state, and out of country.

9.163. Courses and Programs Offered through Distance Education.

(a) Chapter 4, Subchapter E of this title (relating to Approval of Distance Education and Off-Campus Instruction for Public Colleges and Universities) are hereby applicable to public community colleges. These sections provide particular requirements and procedures for the offering of courses and programs by public community colleges at out-of-district, out-of-state, and out-of-country locations.

(b) Courses and programs not eligible for state appropriations and offered in out-of-district, out-of-state, and out-of-country locations shall meet the same rules, regulations, and guidelines established by the Board for courses and programs eligible for state appropriations.

CHAPTER 9: PROGRAM DEVELOPMENT IN PUBLIC TWO-YEAR COLLEGES

SUBCHAPTER J. ACADEMIC ASSOCIATE DEGREE PROGRAMS

Section

- 9.181. Purpose.
- 9.182. Authority.
- 9.183. Degree Titles, Program Length, and Program Content.
- 9.184. Approval.
- 9.185. Reporting to the Board.
- 9.186. Disapproval of Programs; Noncompliance.

9.181. Purpose.

This subchapter provides rules for the structure of academic associate degree programs in public community colleges and Lamar State College-Port Arthur and Lamar State College-Orange that are eligible for state appropriations.

9.182. Authority.

The Texas Education Code, Sections 61.003, 61.051(e) - (f), 61.0513, 61.053, 61.054, 61.055, 61.061, 61.062(c) - (d), 61.075, 130.001(b)(3) - (4), 130.003(e)(1)(2)(3) and (7) and 135.04, authorize the Coordinating Board to adopt policies, enact regulations, and establish rules for the coordination of postsecondary certificate and associate degree programs eligible for state appropriations.

9.183. Degree Titles, Program Length, and Program Content.

(a) An academic associate degree may be called either an associate of arts (AA) or an associate of science (AS) degree.

(1) The associate of arts (AA) is the default title for an academic associate degree program if the college offers only one type of academic degree program.

(2) If a college offers both associate of arts (AA) and associate of science (AS) degrees, the degree programs may be differentiated in one of two ways, including:

(A) The AA program may have additional requirements in the liberal arts and/or the AS program may have additional requirements in disciplines such as science, mathematics, or computer science; or

(B) The AA program may serve as a foundation for the BA degree and the AS program for the BS degree.

(b) Academic associate degree programs must consist of a minimum of 60 SCH and a maximum of 66 SCH.

(c) Except as provided in paragraph (1) of this subsection, academic associate degree programs must incorporate the institution's approved core curriculum as prescribed by Section 4.28 of this title (relating to Core Curriculum) and Section 4.29 of this title (relating to Core Curricula Larger than 42 Semester Credit Hours).

(1) A college may offer a specialized academic associate degree that incorporates a Board-approved field of study curriculum as prescribed by Section 4.32 of this title (relating to Field of Study Curricula) and a portion of the college's approved core curriculum if the coursework for both would total more than 66 SCH.

(2) A college that has a signed articulation agreement with a General Academic Teaching Institution to transfer a specified curriculum may offer a specialized associate degree program that incorporates that curriculum.

9.184. Approval.

Public community colleges and the two public state colleges authorized to offer transfer programs may offer academic associate degree programs that conform to these guidelines without requesting approval from the Board.

9.185. Reporting to the Board.

Contact hours for courses in approved academic certificate and associate degree programs at public two-year colleges and other public institutions providing certificate or associate degree programs must be determined and reported in compliance with Board policy as outlined in the Lower-Division Academic Course Guide Manual and state law.

9.186. Disapproval of Programs; Noncompliance.

No funds appropriated to any public two-year colleges and other public institutions providing certificate or associate degree programs shall be expended for any academic associate degree program that is not in compliance with these rules. Existing academic degree programs must be brought into compliance by August 1, 2004.